



September 24, 2014

John Kolodziej
Door County Highway Department
1001 S Duluth Ave
Sturgeon Bay, WI 54235

Subject: Variance approval for the private well located at 10363 Hwy 57 in Sec. 8, T31N, R28E, Town of Sister Bay, Door County. WUWN: YL499

Dear Mr. Kolodziej:

The regional office of the Department of Natural Resources has received and reviewed a variance request from Charlie's Pumps and Well Drilling, Inc. to allow a new well to be 212-feet from the salt storage facility. Section NR812.08(4)(f)(8) Wis. Admin. Code requires that a well be located 250-feet from a salt storage facility. The Department is authorized by Wisconsin Statute chapters 280 and 281 to have general supervision and control over waters of the state; to establish and enforce standards and rules for obtaining drinking water and protecting public health against polluted water supplies. Wisconsin Administrative Code Ch. NR812 (Well Code) is adopted pursuant to that authority.

The Department emphasizes that while a variance from the Well Code requirements may be granted, compliance with the Well Code is recommended if at all possible. The Well Code requirements reflect measures which the Department has found to best protect drinking water and groundwater from contamination. A Department-approved variance does not guarantee acceptable water quality or quantity.

According to the information provided, Well YL499 will be located at 10363 Hwy 57, Section 8, T31N, R28E, Town of Sister Bay, Door County. The new well will be drilled by Charlie's Pumps and Well Drilling, Inc. The configuration of the lot and the geology of the site indicate that the best possible location of the well is on the NW corner of the building. A waste oil tank was removed from this area and the associated piping will be abandoned to eliminate any feature(s) that may render the well non-conforming. Charlie's will increase the amount of cement-grouted casing to provide additional vertical protection.

The Department has concluded that a variance could be granted with the conditions outlined below.

The Department has authority under Wis. Admin. Code § NR 812.43 to grant a variance from the Well Code requirements when strict compliance is impractical. Variance approval may be conditioned upon compliance specifications prescribed by the Department. Therefore, based on the above information, approval is hereby granted, to allow a new well to be constructed 212-feet from the salt storage facility on the subject property, but subject to the following conditions:

1. The new well shall be constructed with 240-feet of steel casing and sealed with cement using the bradenhead method.
2. Any remaining piping associated with the waste oil tank adjacent to the well will be removed. Verification of this shall be provided to the Department.

3. It is recommended that chloride sampling be done every other year and records be maintained by the owner.
4. If a new well or salt storage facility is constructed on the property for any reason, the well must meet all the requirements of NR812 Wis. Adm. Code; this variance is for Well YL499 and the existing structures only;
5. That the property owner shall provide any future well/pump contractor with a copy of this variance;
6. That all future property owners be given a copy of this variance approval prior to property transfer.

This variance is granted based on information provided to the Department by the well owner and a licensed well driller or pump installer. The information provided to the Department is assumed to be accurate and this variance approval is granted based on that information. This variance approval is not intended nor should it be deemed as a guarantee the well and pump installation are in compliance with the Well Code NR 812, nor does it guarantee the water system will produce acceptable water quality or quantity. This variance is for the specific Code provision(s) identified in this approval.

Failure to comply with the terms or conditions of this approval voids the approval. You are also responsible for acting in compliance with all other applicable Statutory and Well Code requirements.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats. you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats. you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

All hearing requests must be made in accordance with s. NR2.05(2), Wis. Adm. Code, and must identify the grounds for the petition and the desired modification or change to the Order or variance and include specific information demonstrating the following:

1. The substantial interest of the petitioner which is injured in fact or threatened with injury by Department action or inaction;
2. That there is no evidence of legislative intent that this interest is not to be protected;
3. That the injury to the petitioner is different in kind or degree from injury to the general public caused by Department action or inaction; and
4. That there is a dispute of material fact. (You must specify the disputed facts.)

This notice is provided pursuant to Section 227.48(2) Stats. Failure to comply with any term or condition of this letter will void the approval. The approval will, also, become void if well construction does not commence within one year of the date of this letter. You are responsible for acting in compliance with all other statutory and administrative code requirements.

If you have any questions, please call me at (920) 662-5484.

Sincerely,

JaNelle Merry
Bureau of Drinking Water and Groundwater

cc: Door County File
Private Water DG/5
Charlie's Pumps and Well Drilling, Inc.